

109TH CONGRESS  
1ST SESSION

# H. R. 2758

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Infertility  
5 Coverage Act of 2005”.

1 **SEC. 2. COVERAGE OF INFERTILITY TREATMENT SERVICES.**

2 (a) COVERAGE OF SERVICES.—Section 1861(s)(2) of  
3 the Social Security Act (42 U.S.C. 1395x(s)(2)) is amend-  
4 ed—

5 (1) in subparagraph (Y), by striking “and” at  
6 the end;

7 (2) in subparagraph (Z), by adding “and” at  
8 the end; and

9 (3) by inserting after subparagraph (Z) the fol-  
10 lowing new subparagraph:

11 “(AA) infertility treatment services for individ-  
12 uals entitled to benefits under this title by reason of  
13 section 226(b);”.

14 (b) DEFINITION.—Section 1861 of such Act (42  
15 U.S.C. 1395x) is amended by adding at the end thereof  
16 the following new subsection:

17 “Infertility Treatment Services

18 “(bbb)(1) The term ‘infertility treatment services’  
19 means, with respect to an individual entitled to benefits  
20 by reason of section 226(b), diagnosis and treatment (de-  
21 scribed in paragraph (2)) by a physician (as defined in  
22 subsection (r)(1)).

23 “(2)(A) Treatment referred to in paragraph (1) in-  
24 cludes prescription drugs and biologicals and supplies used  
25 in the administration of such drugs or biologicals, and in-

1 cludes assisted reproductive technology procedures de-  
 2 scribed in subparagraph (B).

3 “(B) Assisted reproductive technology procedures re-  
 4 ferred to in subparagraph (A) are the following:

5 “(i) Artificial insemination.

6 “(ii) In vitro fertilization.

7 “(iii) Embryo transfer and gamete  
 8 intrafallopian transfer.

9 “(iv) Intravaginal insemination.

10 “(v) Intracervical insemination.

11 “(vi) Intrauterine insemination.

12 “(vii) Any other assisted reproductive tech-  
 13 nology procedure identified by the Secretary.

14 “(viii) Services and supplies related to such pro-  
 15 cedures.”.

16 (c) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

17 Section 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3))  
 18 is amended by inserting “(2)(AA),” after “(2)(W),”.

19 (d) EFFECTIVE DATE.—The amendments made by  
 20 this section shall apply to services furnished on or after  
 21 the date that is 1 year after the date of the enactment  
 22 of this Act.

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